

REMARKS

Claims 6-16 were previously pending in this application. Claims 6, 9 and 14 have been amended. New claims 18-26 have been added. As a result claims 6-16, 18-26 are pending for examination with claim 6 and 20 being independent claims. No new matter has been added.

Amendments to the Specification, Abstract, and Drawings

Applicant has added Figures 5A-5B to further illustrate one embodiment of the present invention. Applicant has also amended the specification and the abstract to describe the new figures and also to further illustrate one embodiment of the present invention. Support for the new figures and amendments can be found on page 5, lines 20-27. No new matter has been added.

Claim Rejections Under 35 U.S.C. §112

Claims 9 and 14 are rejected under 35 U.S.C. §112, second paragraph, as purportedly being indefinite. In particular, in claims 9 and 14, the Examiner states that it is unclear as to what scope the claim limitation “rock-like structure” is to encompass. Claim 9 has been amended to further clarify by replacing “define a rock-like structure” with “visually create the image of at least one rock”. Similarly, claim 14 has been amended to further clarify by replacing “define a rock-like structure” with “visually create the image of a single rock”.

In view of the foregoing, the rejections under §112, second paragraph, should be withdrawn.

Claim Rejections Under 35 U.S.C. §102(b)

In the Office Action, claims 6, 7, 9-12, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Burns et al. (GB 2 213 360). As discussed below, Applicant has amended independent claim 6 to clearly distinguish over Burns.

As amended, independent claim 6 is directed towards an animal habitat which comprises, *inter alia*, a first body having a cavity therein for one or more animals extending to a first surface area of the body, and a passage in the body extending from the cavity to the surface of the body at a location separate from the portion of the cavity extending to the first surface area. A

substantially planar transparent closure distinct from the first body, covers the portion of the cavity extending to the first surface area enabling animals in the cavity to be viewed, and a second body has a surface complementary to the first surface of the first body for preventing viewing of the cavity when the complementary surfaces of the two bodies are brought into registration with one another.

Burns discloses a spider habitat structure for examining insects without disturbing their environment. Burns describes a transparent casing which the insects can crawl into, and an opaque removable cover that is placed over the transparent casing to keep the habitat dark. One aperture is provided to secure the habitat to a wall or tree, with another opening to allow the insects to freely enter or leave the habitat. As shown in Fig. 2 in Burns, the body which forms the cavity for one or more animals is the transparent casing (10). In Burns, there is not a transparent closure distinct from the body cavity. Therefore, Burns is not arranged to include a *substantially planar transparent closure distinct from the first body*, as now recited in amended claim 6. Thus, claim 6 patentably distinguishes over Burns, such that the rejection under §102 should be withdrawn.

Claims 7, 9-12, and 14-16 depend from claim 6 and are patentable for at least the same reasons.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 8 and 13 stand rejected under §103 as being unpatentable over Burns and further in view of Lombardi (U.S. Patent No. 4,110,552). Without acceding to the propriety of these combinations, claims 8 and 13 respectively depend from independent claim 6 and are patentable for at least the same reasons set forth above.

Additional Claims

Claims 18-19

Applicant has added claims 18 and 19, both dependent on claim 6, to further define the invention. Both claims 18 and 19 are believed to be allowable for at least the same reasons as claim 6.

Claims 20-26

Applicant has added independent claim 20 to further define the invention. New claim 20 is believed to be allowable for at least the following reasons.

Independent claim 20 is directed towards an animal habitat. Claim 20 is similar to independent claim 6, except that claim 20 further includes the limitation that the first body has a structure of a shape found in nature.

As discussed above, Burns discloses a transparent casing which insects can crawl into, and an opaque removable cover that is placed over the transparent casing to keep the habitat dark. Burns provides no teaching or suggestion of employing a planar transparent closure distinct from the body cavity. Further, Burns provides no teaching or suggestion of a first body having a structure of a shape found in nature. Thus, similar to claim 6, new claim 20 patentably distinguishes over Burns, such that claim 20 should be allowable.

Claims 21-26 depend from claim 20 and are patentable for at least the same reasons.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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Docket No. R0136.70014US01
Date: July 14, 2004